



ATTORNEY DOCKET NO. 045636-5033-10
Application No. 09/555,640

Page 1

#9 (1mo)
Elec. art.
8/2/02
RECEIVED
AUG 16 2002
FBI CENTER 1600/2300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Nguyen, Q. T. <i>et al.</i>)	
)	
Application No.: 09/555,640)	Group Art Unit: 1648
)	
Filed: August 10, 2000)	Examiner: Parkin, J.
)	
For: <i>Erythrovirus and Its Applications</i>)	
)	
Assistant Commissioner for Patents)	
Washington, D.C. 20231)	

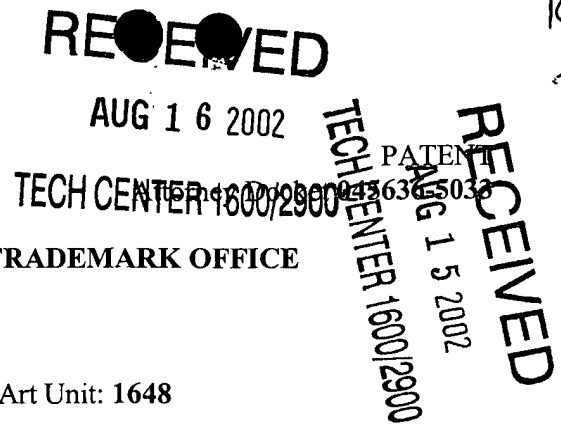
RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In response to the restriction requirement in the Office Action dated June 12, 2002 (Paper No. 8), Applicants respectfully elect, with traverse, to prosecute Group I, claims 1-6 and 10, drawn to isolated nucleic acids, fragments thereof and primer pairs. The due date for reply, with a one month extension of time, is August 12, 2002.

Reconsideration and withdrawal of the requirement is respectfully requested. The Office Action restricted pending claims 1-14, 16-21, 24-37 into the following groups:

1. Group I, claims 1-6 and 10, drawn to nucleic acids, fragments thereof and primer pairs.
2. Group II, claims 7-9, drawn to variant erythrovirus or plasmids encoding the variant.
3. Group III, claims 11-14, 16 and 24-27, drawn to diagnostic methods employing various nucleotide sequences.

08/14/2002 MAHME1 00000077 500310 09555640
01 FC:115 110.00 CH



In re Application of: **Q. T. Nguyen *et al.***)
 Application No. **09/555,640**)
 Filed: **August 10, 2000**)
 For: **Erythrovirus and Its Applications**)

Examiner: J. Parkin

1. Transmitted herewith is a Response to Election/Restriction Requirement in reply to the Office Action dated June 12, 2002 (Paper No. 8).
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a one-month extension of time from July 12, 2002 to August 12, 2002. If an additional extension of time is required, please consider this a petition therefor.
3. Fee Calculation (37 C.F.R. § 1.16):

CLAIMS FOR FEE CALCULATION						
	Remaining		Previously Paid	Extra	Rate	Basic Fee: \$740.00
Total Claims	9	minus	20	0	\$18 each	0.00
Independent Claims	1	minus	3	0	\$84 each	0.00
First presentation of Multiple dependent claim					\$280.00	0.00
Sub-total =						= 0.00
Reduction by ½ for filing by a small entity						- 0.00
Total Fee =						\$0.00

4. **Fee Payment:** The Commission is hereby authorized to charge **\$110.00** to Deposit Account 50-0310 for payment of the one-month extension of time fee.
5. **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,
Morgan, Lewis & Bockius LLP

1-WA/1845714.1